

AMENDED IN SENATE JUNE 27, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3472

Introduced by Committee on Local Government (Assembly Members Rainey (Chairman), Ackerman, Granlund, Hannigan, Kuykendall, Margett, Kevin Murray, Napolitano, Setencich, and Sweeney)

March 5, 1996

An act to amend Sections 8762 and 8771 of the Business and Professions Code, to amend Section 17850 of the Education Code, to amend Sections ~~26907, 27279~~ 1481, 26907, 27279, 53954, 65361, 66416.5, and 66417 of, to amend and renumber Sections 12035 and 12036 of, *to add Section 26911 to*, and to repeal Sections 12037, 12038, and 66452.7 of, the Government Code, to amend Sections 40275, 41210, and 41220 of the Health and Safety Code, to amend Sections 5538.5, 5552.1, 5841, 8813, 8813.1, 8813.2, 8815.2, and 8815.3 of the Public Resources Code, and to amend Section 50752 of the Water Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 3472, as amended, Committee on Local Government. Local government.

Existing law provides that, after making a survey in conformity with the practice of land surveying, the surveyor or civil engineer may file with the county surveyor in the county in which the survey was made, a record of the survey and, requires that a record of the survey relating to land

boundaries or property lines shall be filed if the survey discloses any of specified conditions.

This bill would instead make these provisions applicable to field surveys, as specified.

Existing law relating to the practice of land surveying specifies standards for the use of monuments in surveys.

This bill would revise those standards as specified.

Existing law requires a school district, upon the approval by its governing board to proceed with the issuance of certificates of participation revenue bonds, to notify the county superintendent of schools and the county auditor.

This bill would delete the requirement of notification of the county auditor and would make related changes.

Existing law, relating to bonds for public officials, authorizes the use of a master official bond to provide coverage on more than one officer, employee, or agent. Existing law specifically permits a county board of supervisors to authorize a master official bond for more than one officer, employee, or agent of any special purpose assessing or taxing district whose principal office lies within the county.

This bill would, instead of the latter provision, authorize the use of a master official bond by a local public agency, as defined, for more than one officer, employee, or agent of the local public agency, and would make a related change.

Existing law designates the Office of Intergovernmental Management as the clearinghouse for specified information from the Federal Bureau of the Budget, requires that office to be the clearinghouse for requests from cities and counties, that appropriate state agencies evaluate the environmental impact of any proposed subdivision or land project, and requires the office, upon request by a city or county, to arrange for technical assistance from state agencies in connection with the evaluation of proposed subdivision maps.

This bill would rename the office the State Clearinghouse and delete the duties relating to the evaluation of the environmental impact of proposed subdivisions and land projects and to the evaluation of subdivision map acts, as described above.

Existing law provides that the county auditor may destroy certain claims, warrants, and vouchers that are more than 5



years old or at any time after the document has been recorded or reproduced if the copy is maintained for 5 years from the date of the document. The auditor may destroy an index or warrant register that is over 15 years old without reproducing it.

This bill would permit the auditor to destroy an index or warrant register that is over 5 years old without reproducing it.

Under existing law, various special districts may elect to have the county collect district assessments with the collection of county taxes by county officers.

This bill would provide that when a special district has elected to have its assessments collected by the county on the property tax roll, the district shall transmit to the county auditor, no later than August 10 of each year, a statement of the rates fixed for assessments.

Existing law requires the county recorder, upon the payment of proper fees and taxes to accept for recordation any instrument, paper, or notice that is authorized or required by law to be recorded if the instrument, paper, or notice meets specified requirements. Existing law defines “instrument” for these laws relating to recordation.

This bill would authorize the county recorder to accept, in lieu of a written paper, for recording digitized images of recordable instruments if specified requirements are met.

Existing law relating to local planning and land use requires the legislative body of each county and city to prepare and adopt a comprehensive, long-term general plan for the physical development of the county or city. The Director of Planning and Research may grant a reasonable extension of time not to exceed 2 years for the preparation and adoption of the general plan if the legislative body makes any of specified findings. During the period of the extension the city or county is not subject to certain requirements, including requirements of state law that its decisions be consistent with those portions of the general plan for which an extension has been granted.

This bill would delete the exemption from those state requirements during the extension.



The Subdivision Map Act, which generally regulates the division of land for purposes of sale, lease, or finance, defines city engineer and county surveyor, which includes a county engineer, for purposes of the act.

This bill would provide that a city engineer or county engineer registered as a civil engineer after January 1, 1982, shall not be authorized to prepare, examine, or approve surveying maps and documents but would specify that those acts shall only be performed by a person licensed as a professional land surveyor or registered prior to January 1, 1982, as a civil engineer.

Existing law provides that the treasury of the Bay Area Air Quality Management District shall be in the custody of a county treasurer of a county included entirely within the bay district and that this treasurer shall be the bay district treasurer.

This bill would delete the requirement that the county of that treasurer be included entirely within the district.

Existing law specifies that the boundaries of the Mojave Desert Air Quality Management District include all of San Bernardino County not within the south coast district.

This bill would specify that the district also includes all of Riverside County not within the south coast district and would require the appointment of an additional public member to the district governing board, thereby imposing a state-mandated local program.

Existing law provides for the establishment of park and open-space districts including the Sonoma County Agricultural Preservation and Open Space District.

This bill would delete the requirement that Sonoma County officers and employees act, ex officio, as officers and employees of that district and would permit the district, by resolution, to eliminate the requirement that demands against the district which are paid without prior specific board approval be presented at the next board meeting for review and approval.

Under existing law, the Urban American River Parkway Preservation Act, the state has adopted the American River Parkway Plan consisting of the revised, updated management plans for the lower American River adopted by the County of



Sacramento on December 11, 1985, by a specified resolution, and by the City of Sacramento on March 25, 1986, by a specified resolution.

The act requires that actions of state and local agencies taken with regard to land use decisions be generally consistent with the plan.

This bill would redefine the plan to include the management plans adopted by the County of Sacramento on December 11, 1985, as amended on December 20, 1995, by a specified county resolution.

Since actions of local agencies with regard to land use decisions would be required to be generally consistent with the revised, updated plans, the bill would impose a state-mandated local program.

Existing law provides that the system of plane coordinates which has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations on points of the surface of the earth within the State of California is the California Coordinate System.

This bill would make certain technical revisions in provisions concerning that system.

Existing law requires that the ballots for reclamation district elections be forwarded to the clerk of the board of supervisors.

This bill would require that those ballots be forwarded to the county clerk instead.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited
2 as the Omnibus Local Government Act of 1996.

3 The Legislature finds and declares that operating costs
4 can be decreased by reducing the number of separate
5 bills affecting related topics by consolidating these bills
6 into a single measure. Therefore, in enacting this act, it is
7 the intent of the Legislature to consolidate minor,
8 noncontroversial statutory changes relating to public
9 agencies into a single measure.

10 SEC. 2. Section 8762 of the Business and Professions
11 Code is amended to read:

12 8762. After making a field survey in conformity with
13 the practice of land surveying, the surveyor or civil
14 engineer may file with the county surveyor in the county
15 in which the survey was made, a record of the survey.

16 After making a field survey in conformity with the
17 practice of land surveying, the licensed land surveyor or
18 registered civil engineer shall file with the county
19 surveyor in the county in which the field survey was made
20 a record of the survey relating to land boundaries or
21 property lines, if the field survey discloses any of the
22 following:

23 (a) Material evidence or physical change, which in
24 whole or in part does not appear on any subdivision map,
25 official map, or record of survey previously recorded or
26 filed in the office of the county recorder or county
27 surveying department, or map or survey record
28 maintained by the Bureau of Land Management of the
29 United States.

30 (b) A material discrepancy with the information
31 contained in any subdivision map, official map, or record
32 of survey previously recorded or filed in the office of the
33 county recorder or the county surveying department, or

1 any map or survey record maintained by the Bureau of
2 Land Management of the United States. For purposes of
3 this subdivision, a “material discrepancy” is limited to a
4 material discrepancy in the position of points or lines, or
5 in dimensions.

6 (c) Evidence that, by reasonable analysis, might result
7 in materially alternate positions of lines or points, shown
8 on any subdivision map, official map, or record of survey
9 previously recorded or filed in the office of the county
10 recorder or the county surveying department, or any
11 map or survey record maintained by the Bureau of Land
12 Management of the United States.

13 (d) The representation or establishment of one or
14 more points or lines not shown on any subdivision map,
15 official map, or record of survey, the positions of which
16 are not ascertainable from an inspection of the
17 subdivision map, official map, or record of survey.

18 (e) The points or lines set during the performance of
19 a field survey of any parcel described in any deed or other
20 instrument of title recorded in the county recorder’s
21 office are not shown on any subdivision map, official map,
22 or record of survey.

23 The record of survey required to be filed pursuant to
24 this section shall be filed within 90 days after the setting
25 of boundary monuments during the performance of a
26 field survey or within 90 days after completion of a field
27 survey, whichever occurs first.

28 If the 90-day time limit contained in this section cannot
29 be complied with for reasons beyond the control of the
30 licensed land surveyor or registered civil engineer, the
31 90-day time period shall be extended until such time as
32 the reasons for delay are eliminated. If the licensed land
33 surveyor or registered civil engineer cannot comply with
34 the 90-day time limit, he or she shall, prior to the
35 expiration of the 90-day time limit, provide the county
36 surveyor with a letter stating that he or she is unable to
37 comply. The letter shall provide an estimate of the date
38 for completion of the record of survey, the reasons for the
39 delay, and a general statement as to the location of the

1 survey, including the assessor's parcel number or
2 numbers.

3 The licensed land surveyor or registered civil engineer
4 shall not initially be required to provide specific details of
5 the survey. However, if other surveys at the same location
6 are performed by others which may affect or be affected
7 by the survey, the licensed land surveyor or registered
8 civil engineer shall then provide information requested
9 by the county surveyor without unreasonable delay.

10 Any record of survey filed with the county surveyor
11 shall, after being examined by him or her, be filed with
12 the county recorder.

13 SEC. 3. Section 8771 of the Business and Professions
14 Code is amended to read:

15 8771. Monuments set shall be sufficient in number
16 and durability and efficiently placed so as not to be readily
17 disturbed, to assure, together with monuments already
18 existing, the perpetuation or facile reestablishment of any
19 point or line of the survey.

20 When monuments exist that control the location of
21 subdivisions, tracts, boundaries, roads, streets, or
22 highways, or provide survey control, the monuments
23 shall be located and referenced by or under the direction
24 of a licensed land surveyor or registered civil engineer
25 prior to the time when any streets, highways, other
26 rights-of-way, or easements are improved, constructed,
27 reconstructed, or relocated and a corner record of the
28 references shall be filed with the county surveyor. They
29 shall be reset in the surface of the new construction, a
30 suitable monument box placed thereon, or permanent
31 witness monuments set to perpetuate their location and
32 a corner record filed with the county surveyor prior to the
33 recording of a certificate of completion for the project.
34 Sufficient controlling monuments shall be retained or
35 replaced in their original positions to enable property,
36 right-of-way and easement lines, property corners, and
37 subdivision and tract boundaries to be reestablished
38 without devious surveys necessarily originating on
39 monuments differing from those that currently control
40 the area. It shall be the responsibility of the governmental

1 agency or others performing construction work to
2 provide for the monumentation required by this section.
3 It shall be the duty of every land surveyor or civil
4 engineer to cooperate with the governmental agency in
5 matters of maps, field notes, and other pertinent records.
6 Monuments set to mark the limiting lines of highways,
7 roads, streets or right-of-way or easement lines shall not
8 be deemed adequate for this purpose unless specifically
9 noted on the records of the improvement works with
10 direct ties in bearing or azimuth and distance between
11 these and other monuments of record.

12 SEC. 4. Section 17850 of the Education Code is
13 amended to read:

14 17850. (a) Upon the approval by the governing
15 board of the school district to proceed with the issuance
16 of certificates of participation revenue bonds, the school
17 district shall notify the county superintendent of schools.
18 The superintendent of the school district shall provide
19 the repayment schedules for that debt obligation, and
20 evidence of the ability of the school district to repay that
21 obligation, to the county superintendent, the governing
22 board, and the public. Within 15 days of the receipt of the
23 information, the county superintendent of schools may
24 comment publicly to the governing board of the school
25 district regarding the capability of the school district to
26 repay that debt obligation.

27 (b) Upon the approval by the county board of
28 education to proceed with the issuance of certificates of
29 participation or revenue bonds, the county
30 superintendent of schools or superintendent of a school
31 district for which the county board serves as governing
32 board shall notify the Superintendent of Public
33 Instruction. The county superintendent of schools or the
34 superintendent of a school district for which the county
35 board serves as the governing board shall provide the
36 repayment schedules for that debt obligation and
37 evidence of the ability of the county office of education
38 or school district to repay that obligation, to the
39 Superintendent of Public Instruction, the governing
40 board, and the public. Within 15 days of the receipt of the

1 information the Superintendent of Public Instruction
2 may comment publicly to the county board of education
3 regarding the capability of the county office of education
4 or school district to repay that debt obligation.

5 SEC. 5. *Section 1481 of the Government Code is*
6 *amended to read:*

7 1481. (a) When deemed expedient by the appointing
8 power, a master official bond, or other form of master
9 bond may be used which shall provide coverage on more
10 than one officer, employee or agent who is required by
11 the appointing power or the board of supervisors of a
12 chartered or general law county to give bond. ~~The board~~
13 ~~of supervisors of a chartered or general law county may~~
14 ~~authorize under this section such a bond to provide~~
15 ~~coverage on more than one officer, employee or agent of~~
16 ~~any special purpose assessing or taxing district whose~~
17 ~~principal office lies within a county and who is required~~
18 ~~by the board of supervisors or by the appointing power to~~
19 ~~give bond. A~~

20 (b) *Notwithstanding any other provision of law, when*
21 *deemed expedient by the legislative body of a local public*
22 *agency, a master official bond, or other form of master*
23 *bond, may be used which shall provide coverage on more*
24 *than one officer, employee, or agent of the local public*
25 *agency, whether elected or appointed, who is required by*
26 *statute, regulation, the appointing power, the governing*
27 *board of a local public agency, or the board of supervisors*
28 *of a chartered or general law county to give bond.*

29 (c) A master bond under this section shall be in the
30 form and for the term which is approved by the
31 appointing power or the ~~board of supervisors of a~~
32 ~~chartered or general law county~~ *legislative body of a local*
33 *public agency*, and shall inure to the benefit of the
34 appointing power, state, ~~county, special purpose assessing~~
35 ~~or taxing district, or municipality~~ *or local public agency*
36 *by whom—such the officer, employee, or agent is*
37 *employed as well as the officer or officers under whom*
38 *the employee or agent serves.*

39 (d) *“Local public agency” means any city or county,*
40 *whether general law or chartered, city and county,*

1 *special district, school district, municipal corporation,*
2 *political subdivision, joint powers authority or agency*
3 *created pursuant to Chapter 5 (commencing with*
4 *Section 6500) of Division 7 of Title 1, or any board,*
5 *commission, or agency thereof, or other local public*
6 *agency, but shall not mean the state or any agency or*
7 *department of the state.*

8 (e) “Legislative body” means the board of supervisors
9 of a county or city, or the governing board, by whatever
10 name called, of a local public agency.

11 (f) In the case of the State of California the form and
12 content of ~~such~~ the bond shall be subject to the approval
13 of the Director of General Services.

14 SEC. 6. Section 12035 of the Government Code is
15 amended and renumbered to read:

16 65040.10. As used in this article, “State
17 Clearinghouse” means the office of that name established
18 by executive action of the Governor or any successor
19 office designated by the Governor as the clearinghouse
20 for information from the Office of Management and
21 Budget in accordance with the Intergovernmental
22 Cooperation Act of 1968 (P.L. 90-577).

23 ~~SEC. 6.—~~

24 SEC. 7. Section 12036 of the Government Code is
25 amended and renumbered to read:

26 65040.11. The “State Clearinghouse” shall submit
27 such information acquired by it pursuant to the
28 application of the Intergovernmental Cooperation Act of
29 1968 (P.L. 90-577) to an agency designated for that
30 purpose by concurrent resolution of the Legislature.

31 ~~SEC. 7.—~~

32 SEC. 8. Section 12037 of the Government Code is
33 repealed.

34 ~~SEC. 8.—~~

35 SEC. 9. Section 12038 of the Government Code is
36 repealed.

37 ~~SEC. 9.—~~

38 SEC. 10. Section 26907 of the Government Code is
39 amended to read:

1 26907. Notwithstanding Section 26201, 26202, or
2 26205, the auditor or ex officio auditor may destroy any
3 county, school, or special district claim, warrant, or any
4 other paper issued as a warrant voucher that is more than
5 five years old, or at any time after the document has been
6 photographed, microphotographed, reproduced by
7 electronically recorded video images on magnetic
8 surfaces, or reproduced on film of a type approved for
9 permanent photographic records by the National Bureau
10 of Standards if the copy is kept or maintained for five
11 years from the date of the document.

12 The auditor may make a photographic record of an
13 index or warrant register and may provide for the
14 destruction of the index or warrant register. Any index or
15 warrant register that is over five years old may be
16 destroyed without being photographically or
17 microphotographically reproduced.

18 ~~SEC. 10.—~~

19 *SEC. 11. Section 26911 is added to the Government*
20 *Code, to read:*

21 *26911. Whenever a special district has elected to have*
22 *its assessments collected by the county on the property*
23 *tax roll, the district shall transmit to the county auditor,*
24 *no later than August 10 of each year, a statement of the*
25 *rates fixed for assessments.*

26 *SEC. 12. Section 27279 of the Government Code is*
27 *amended to read:*

28 27279. (a) “Instrument,” as used in this chapter,
29 means a written paper signed by a person or persons
30 transferring the title to, or giving a lien on real property,
31 or giving a right to a debt or duty.

32 (b) The recorder of any county may, in lieu of a
33 written paper, accept for recording digitized images of
34 recordable instruments if both of the following conditions
35 are met:

36 (1) The image conforms to all other applicable statutes
37 that prescribe recordability, except the requirement of
38 original signatures in subdivision (b) of Section 27201.

39 (2) The requester and addressee for delivery of the
40 recorded images are the same and can be readily

1 identified as a local or state government entity, or an
2 agency, branch, or instrumentality of the federal
3 government, or from title insurance companies
4 chartered to do business in California.

5 ~~SEC. 11.~~

6 *SEC. 13. Section 53954 of the Government Code is*
7 *amended to read:*

8 53954. (a) Before any money is withdrawn from the
9 county treasury to be placed in the revolving fund of a
10 special district, the officer for whose use the fund is
11 created shall file with the governing body of the district
12 and the auditor a bond executed by himself as principal
13 and by an admitted surety insurer, in an amount equal to
14 that of the revolving fund. The bond shall be conditioned
15 upon the faithful administration of the fund and upon the
16 willingness and ability of the principal to account for and
17 pay over the fund upon demand of the governing board
18 of the district at any time.

19 (b) In lieu of the bond provided for in subdivision (a)
20 of this section, any officer of the district required by
21 statute to furnish an official bond, and any district which
22 purchases and maintains a blanket bond on all or certain
23 of its employees ~~not otherwise required by statute to~~
24 ~~provide a bond in accordance with Section 1481,~~ may
25 cause such a bond or bonds to be issued or amended by
26 endorsement to be conditioned, in addition to its other
27 provisions, upon the faithful administration of the
28 revolving fund and upon the willingness and ability of the
29 principal or principals, for whose use such a fund or funds
30 have been established, to account for and pay over the
31 fund or funds upon demand of the governing board of the
32 district at any time.

33 *SEC. 14. Section 65361 of the Government Code is*
34 *amended to read:*

35 65361. (a) Notwithstanding any other provision of
36 law, upon application by a city or county, the Director of
37 Planning and Research shall grant a reasonable extension
38 of time not to exceed two years from the date of issuance
39 of the extension, for the preparation and adoption of all
40 or part of the general plan, if the legislative body of the

1 city or county, after a public hearing, makes any of the
2 following findings:

3 (1) Data required for the general plan shall be
4 provided by another agency and it has not yet been
5 provided.

6 (2) In spite of sufficient budgetary provisions and
7 substantial recruiting efforts, the city or county has not
8 been able to obtain necessary staff or consultant
9 assistance.

10 (3) A disaster has occurred requiring reassignment of
11 staff for an extended period or requiring a complete
12 reevaluation and revision of the general plan, or both.

13 (4) Local review procedures require an extended
14 public review process that has resulted in delaying the
15 decision by the legislative body.

16 (5) The city or county is jointly preparing all or part of
17 the general plan with one or more other jurisdictions
18 pursuant to an existing agreement and timetable for
19 completion.

20 (6) Other reasons exist that justify the granting of an
21 extension, so that the timely preparation and adoption of
22 a general plan is promoted.

23 (b) The director shall not grant an extension of time
24 for the preparation and adoption of a housing element
25 except in the case of a newly incorporated city or newly
26 formed county that cannot meet the deadline set by
27 Section 65360. Before the director grants an extension of
28 time pursuant to this subdivision, he or she shall consult
29 with the Director of Housing and Community
30 Development.

31 (c) The application for an extension shall contain all of
32 the following:

33 (1) A resolution of the legislative body of the city or
34 county adopted after public hearing setting forth in detail
35 the reasons why the general plan was not previously
36 adopted as required by law or needs to be revised,
37 including one or more of the findings made by the
38 legislative body pursuant to subdivision (a), and the
39 amount of additional time necessary to complete the
40 preparation and adoption of the general plan.

1 (2) A detailed budget and schedule for preparation
2 and adoption of the general plan, including plans for
3 citizen participation and expected interim action. The
4 budget and schedule shall be of sufficient detail to allow
5 the director to assess the progress of the applicant at
6 regular intervals during the term of the extension. The
7 schedule shall provide for adoption of a complete and
8 adequate general plan within two years of the date of the
9 application for the extension.

10 (3) A set of proposed policies and procedures which
11 would ensure, during the extension of time granted
12 pursuant to this section, that the land use proposed in an
13 application for a subdivision, rezoning, use permit,
14 variance, or building permit will be consistent with the
15 general plan proposal being considered or studied.

16 (d) The director may impose any conditions on
17 extensions of time granted that the director deems
18 necessary to ensure compliance with the purposes and
19 intent of this title. Those conditions shall apply only to
20 those parts of the general plan for which the extension has
21 been granted. In establishing those conditions, the
22 director may adopt or modify and adopt any of the
23 policies and procedures proposed by the city or county
24 pursuant to paragraph (3) of subdivision (c).

25 (e) During the extension of time specified in this
26 section, the city or county is not subject to the
27 requirement that a complete and adequate general plan
28 be adopted or the requirement that it be adopted within
29 a specific period of time. However, development
30 approvals shall be consistent with the conditions imposed
31 by the director pursuant to subdivision (d) and any
32 element or elements that have been adopted and for
33 which an extension of time is not sought.

34 (f) If a city or county that is granted a time extension
35 pursuant to this section determines that it cannot
36 complete the elements of the general plan for which the
37 extension has been granted within the prescribed time
38 period, the city or county may request one additional
39 extension of time, which shall not exceed one year, if the
40 director determines that the city or county has made

1 substantial progress toward the completion of the general
2 plan. This subdivision shall not apply to an extension of
3 time granted pursuant to subdivision (b).

4 (g) An extension of time granted pursuant to this
5 section for the preparation and adoption of all or part of
6 a city or county general plan is exempt from Division 13
7 (commencing with Section 21000) of the Public
8 Resources Code.

9 ~~SEC. 12.—~~

10 *SEC. 15.* Section 66416.5 of the Government Code is
11 amended to read:

12 66416.5. (a) “City engineer” means the person
13 authorized to perform the functions of a city engineer.
14 The land surveying functions of a city engineer may be
15 performed by a city surveyor, if that position has been
16 created by the local agency.

17 (b) A city engineer registered as a civil engineer after
18 January 1, 1982, shall not be authorized to prepare,
19 examine, or approve the surveying maps and documents.
20 The examinations, certifications, and approvals of the
21 surveying maps and documents shall only be performed
22 by a person authorized to practice land surveying
23 pursuant to the Professional Land Surveyors Act
24 (Chapter 15 (commencing with Section 8700) of Division
25 3 of the Business and Professions Code) or a person
26 registered as a civil engineer prior to January 1, 1982,
27 pursuant to the Professional Engineers Act (Chapter 7
28 (commencing with Section 6700) of Division 3 of the
29 Business and Professions Code).

30 (c) Nothing contained in this provision shall prevent
31 a city engineer from delegating the land surveying
32 functions to a person authorized to practice land
33 surveying. Where there is no person authorized to
34 practice land surveying within the city or agency, nothing
35 shall prevent the city engineer from contracting with a
36 person who is authorized to practice land surveying to
37 perform the land surveying functions.

38 ~~SEC. 13.—~~

39 *SEC. 16.* Section 66417 of the Government Code is
40 amended to read:

1 66417. (a) “County surveyor” includes county
2 engineer, if there is no county surveyor.

3 (b) A county engineer registered as a civil engineer
4 after January 1, 1982, shall not be authorized to prepare,
5 examine, or approve the surveying maps and documents.
6 The examinations, certifications, and approvals of the
7 surveying maps and documents shall only be performed
8 by a person authorized to practice land surveying
9 pursuant to the Professional Land Surveyors Act
10 (Chapter 15 (commencing with Section 8700) of Division
11 3 of the Business and Professions Code) or a person
12 registered as a civil engineer prior to January 1, 1982,
13 pursuant to the Professional Engineers Act (Chapter 7
14 (commencing with Section 6700) of Division 3 of the
15 Business and Professions Code).

16 ~~SEC. 14.—~~

17 *SEC. 17.* Section 66452.7 of the Government Code is
18 repealed.

19 ~~SEC. 15.—~~

20 *SEC. 18.* Section 40275 of the Health and Safety Code
21 is amended to read:

22 40275. The bay district treasury shall be in the custody
23 of the county treasurer of a county within the bay district
24 designated by the bay district board, and that treasurer
25 shall be the bay district treasurer.

26 ~~SEC. 16.—~~

27 *SEC. 19.* Section 41210 of the Health and Safety Code
28 is amended to read:

29 41210. (a) There is hereby created the Mojave
30 Desert Air Quality Management District.

31 (b) The boundaries of the Mojave Desert district shall
32 include all of the County of San Bernardino and the
33 County of Riverside that is not included within the
34 boundaries of the south coast district, and any other area
35 included pursuant to subdivision (c).

36 (c) The Mojave Desert district board may, by
37 resolution, include in the Mojave Desert district any other
38 area upon receipt of a resolution from the district that
39 currently includes the area requesting inclusion and

1 specifying the area to be included. All territory included
2 within the Mojave Desert district shall be contiguous.

3 ~~SEC. 17.—~~

4 *SEC. 20.* Section 41220 of the Health and Safety Code
5 is amended to read:

6 41220. (a) The Mojave Desert district shall be
7 governed by a district board composed of the following
8 members:

9 (1) The members of the San Bernardino County Board
10 of Supervisors who represent the first and third
11 supervisorial districts of the county, or who, after
12 reapportionment affecting the county supervisorial
13 districts, represent any supervisorial district of the county
14 that lies in whole or in part within the Mojave Desert
15 district.

16 (2) One member of the city council of each
17 incorporated city within the Mojave Desert district, who
18 shall be appointed by the city council.

19 (3) One public member who shall be appointed by a
20 majority of the Mojave Desert District governing board
21 for a term of two years and who shall be a resident of an
22 incorporated city or a supervisorial district that lies in
23 whole or in part within the Mojave Desert District.

24 (4) Upon the incorporation of any new city within the
25 boundaries of the Mojave Desert district, the city council
26 of that city shall appoint one member of the city council
27 to the Mojave Desert district board.

28 (5) If a district submits a resolution of inclusion
29 pursuant to subdivision (c) of Section 41210, one or more
30 members of the county board of supervisors or of a city
31 council from the area to be included shall be appointed
32 to the Mojave Desert district board, pursuant to
33 agreement between the county board of supervisors or
34 the city council, or both, and the Mojave Desert district
35 board.

36 (6) At the time of the appointment of a member of the
37 city council of a newly incorporated city to the Mojave
38 Desert district board, as specified in paragraph (4), or
39 upon making an agreement to appoint a member from an
40 area included in the Mojave Desert district pursuant to



1 paragraph (5), the Mojave Desert district board may
2 revise the remaining membership of the Mojave Desert
3 district board, as previously constituted, by adding or
4 removing one or more members of the board of
5 supervisors of a county having territory in the district,
6 adding or removing one or more members of the city
7 councils of previously incorporated cities within the
8 district, or both.

9 (b) The city council or a board of supervisors
10 appointing a member may appoint an alternate who shall
11 be an elected official and who shall be a resident of an
12 incorporated city or a supervisorial district that lies in
13 whole or in part within the Mojave Desert District.

14 (c) As used in this section, "city" means any city, town,
15 or municipal corporation incorporated under the laws of
16 this state.

17 ~~SEC. 18.—~~

18 *SEC. 21. Section 5538.5 of the Public Resources Code*
19 *is amended to read:*

20 5538.5. If the Board of Supervisors of the County of
21 ~~Marin or the Board of Supervisors of the County of~~
22 ~~Sonoma~~ acts as the governing body of a district pursuant
23 to Section 5506.5, the respective officers of that county
24 shall act, ex officio, as officers and employees of the
25 district and discharge the authority and responsibility
26 specified in this article.

27 *SEC. 22. Section 5552.1 of the Public Resources Code*
28 *is amended to read:*

29 5552.1. Notwithstanding Section 5552, the ~~board~~
30 ~~boards~~ of directors of the Riverside County Regional Park
31 and Open-Space District ~~and the Sonoma County~~
32 ~~Agricultural Preservation and Open Space District~~ may,
33 by resolution, eliminate the requirement that demands
34 against ~~the district that respective district~~ which are paid
35 without the prior, specific approval of the board be
36 presented to the board at the next regular meeting for its
37 review and approval.

38 *SEC. 23. Section 5841 of the Public Resources Code is*
39 *amended to read:*

1 5841. (a) “American River Parkway Plan” means the
2 revised, updated management plans for the lower
3 American River adopted by the County of Sacramento on
4 December 11, 1985, by Resolution No. 85-1870, *as*
5 *amended by the County of Sacramento on December 20,*
6 *1995, by Resolution No. 95-1507,* and by the City of
7 Sacramento on March 25, 1986, by Resolution No. 86-225.

8 (b) “Lower American River” means that portion of
9 the American River between Nimbus Dam and the
10 confluence of the American River with the Sacramento
11 River and the adjacent lands as described in the American
12 River Parkway Plan.

13 (c) “American River Parkway” means the area
14 described in the American River Parkway Plan.

15 *SEC. 24.* Section 8813 of the Public Resources Code is
16 amended to read:

17 8813. The CCS27 and CCS83 coordinates shall be
18 based on monumented second-order stations or better
19 which have been published by USC&GS and NGS or their
20 successors as specified in this section and in Sections
21 8813.1 and 8813.2. The geodetic positions of CCS27 and
22 CCS83 stations which are used to increase the density of
23 control and which purport to be of second-order or better
24 accuracy shall have been surveyed in conformity with the
25 applicable survey standards and specifications in effect at
26 the time of the survey as defined by the Federal Geodetic
27 Control Subcommittee. If an FGCS order of accuracy is
28 claimed for a survey or a map, it shall be justified by
29 additional written data that show equipment,
30 procedures, closures, adjustments, and a control diagram.

31 ~~SEC. 19.—~~

32 *SEC. 25.* Section 8813.1 of the Public Resources Code
33 is amended to read:

34 8813.1. Prior to January 1, 2000, any survey or map
35 that is to be based on state plane coordinates shall show
36 established field-observed direct connections to at least
37 two stations of corresponding or better accuracy whose
38 credentials are based upon published stations of USC&GS
39 or NGS or their successors.

40 ~~SEC. 20.—~~

1 *SEC. 26.* Section 8813.2 of the Public Resources Code
2 is amended to read:

3 8813.2. After December 31, 1999, any survey or map
4 that is to be based on state plane coordinates shall show
5 established field-observed direct connections to at least
6 two stations that are:

7 (a) Included in the CSRS-H.

8 (b) Included in the NGS National Geodetic Reference
9 System, or its successor, and having a FGCS accuracy
10 standard of B order or better.

11 (c) Shown on a subdivision map, record of survey, or
12 a map filed with the county surveyor by a public officer
13 and whose horizontal positions have been determined by
14 Global Positioning System survey methods in accordance
15 with first order or better FGCS standards and
16 specifications and whose state plane coordinates are
17 based on field-observed direct, nontrivial, connections to
18 at least two stations that are included in the CSRS-H or
19 included in the NGS National Geodetic Reference
20 System, or its successor, and having a FGCS accuracy
21 standard of B order or better.

22 ~~*SEC. 21.*~~

23 *SEC. 27.* Section 8815.2 of the Public Resources Code
24 is amended to read:

25 8815.2. The epoch for a survey using CCS83
26 coordinate shall be the NGS-published epoch of a
27 controlling station for the survey.

28 ~~*SEC. 22.*~~

29 *SEC. 28.* Section 8815.3 of the Public Resources Code
30 is amended to read:

31 8815.3. When the published epochs of the controlling
32 stations for a survey using CCS83 coordinates are not the
33 same, appropriate adjustments shall be made to the
34 horizontal positions of controlling stations so that the
35 coordinates of all the controlling stations are consistent.
36 These adjustments in the horizontal positions of
37 controlling stations shall be made in accordance with
38 NGS-published procedures and values.

39 ~~*SEC. 23.*~~

1 SEC. 29. Section 50752 of the Water Code is amended
2 to read:

3 50752. The election board shall canvass the votes cast
4 and issue certificates of election to the persons elected,
5 and shall place the ballots, when canvassed, in a sealed
6 envelope and forward it to the county clerk *acting as*
7 *registrar of voters*.

8 ~~SEC. 24. Notwithstanding Section 17610 of the~~
9 ~~Government Code, if the Commission on State Mandates~~
10 ~~determines that this act contains costs mandated by the~~
11 ~~state, reimbursement to local agencies and school~~
12 ~~districts for those costs shall be made pursuant to Part 7~~
13 ~~(commencing with Section 17500) of Division 4 of Title~~
14 ~~2 of the Government Code. If the statewide cost of the~~
15 ~~claim for reimbursement does not exceed one million~~
16 ~~dollars (\$1,000,000), reimbursement shall be made from~~
17 ~~the State Mandates Claims Fund.~~

18 ~~Notwithstanding Section 17580 of the Government~~
19 ~~Code, unless otherwise specified, the provisions of this act~~
20 ~~shall become operative on the same date that the act~~
21 ~~takes effect pursuant to the California Constitution.~~

22 SEC. 30. *No reimbursement is required by this act*
23 *pursuant to Section 6 of Article XIII B of the California*
24 *Constitution because the only costs that may be incurred*
25 *by a local agency or school district are the result of a*
26 *program for which legislative authority was requested by*
27 *that local agency or school district, within the meaning of*
28 *Section 17556 of the Government Code and Section 6 of*
29 *Article XIII B of the California Constitution.*

30 *Notwithstanding Section 17580 of the Government*
31 *Code, unless otherwise specified, the provisions of this act*
32 *shall become operative on the same date that the act*
33 *takes effect pursuant to the California Constitution.*